

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court

Southern District of Texas

FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAR 01 2015

Clerk of Court

United States of America

v.

Tito Livio OLIVE-Hernandez YOB: 1982 MX

Case No.

M-15-0311-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 28, 2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841

Knowingly and intentionally attempt to import into the United States from the United Mexican States approximately 24.74 kilograms of cocaine, a Schedule II controlled substance, and did knowingly and intentionally possess with the intent to distribute approximately 24.74 kilograms of cocaine, a Schedule II controlled substance. Furthermore, the defendant(s) did knowingly and unlawfully conspire to possess with intent to distribute the above listed controlled substance.

21 USC 952

21 USC 846

This criminal complaint is based on these facts:

On February 28, 2015, Tito Livio OLIVE-Hernandez attempted to make entry into the United States from Mexico through the Pharr, Texas Port of Entry (POE) in a 2000 Ford Focus displaying Tamaulipas tags 739-TPX-1. Olive was encountered at primary by Customs and Border Protection Officer (CBPO) Macedonio Gonzalez Jr., who referred the vehicle to secondary due to an automatic referral alert. See Attachment "A" for further details.

✓ Continued on the attached sheet.

M.C. Kehoe

Complainant's signature

Martin C. Kehoe HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/1/2015

Dorina Ramos

Judge's signature

City and state:

McAllen, Texas

Dorina Ramos U.S. Magistrate Judge

Printed name and title

Attachment "A"

While in secondary, CBPO R. Reyes conducted a K-9 search of the vehicle, which resulted in a positive alert to the rear portion of the Ford Focus. Further inspection of the vehicle revealed the presence of approximately twenty two (22) packages wrapped in cellophane secreted within the vehicle rocker panels. The packages, with a total weight of approximately 24.74 kilograms, contained a white powdery substance, which field-tested positive for the characteristics associated with cocaine.

OLIVE provided the following statements to Homeland Security Investigations (HSI) Special Agent Martin Kehoe and CBP Officers during a post-Miranda interview:

OLIVE stated that he came to possess the Ford Focus in April 2014, and subsequently registered it in his name. He was shocked to learn that the vehicle was found to contain narcotics. OLIVE maintained that he only entered the U.S. to purchase a transmission cable at South McColl Auto Parts for his brother-in-law, and then return to Reynosa, Mexico.

OLIVE later corrected his story and stated that he has been unemployed since November 2014. His employment status has created a financial hardship, along with a family member's deteriorating medical condition, which caused him to look for less legitimate sources of income.

A friend of OLIVE put him in touch with an unknown smuggler who agreed to utilize OLIVE for bulk cash smuggling out of the U.S. On or about February 20, 2015, OLIVE entered the U.S. and parked at La Plaza Mall where he left the vehicle unlocked, and retained the keys. OLIVE navigated the mall for approximately 1 ½ hours, and returned to his vehicle to find a large package of money. OLIVE estimated the package to weigh approximately five (5) to six (6) kilograms and he could only see one hundred (\$100) dollar bills. OLIVE estimated it to contain approximately \$500,000 dollars. Based on the amount, OLIVE now knew that the money was directly associated to narcotics trafficking.

OLIVE then departed the U.S. without declaring the currency, and parked at an HEB in Reynosa, Mexico where he again left the vehicle unlocked and shopped for approximately forty (40) minutes. Upon his return, he found

that he was paid \$800 dollars for his actions, and the package of money was gone.

OLIVE entered the U.S. on February 28, 2015, with the same plan in mind, and expected to be paid \$800.00 dollars for his actions. OLIVE was unable to identify how the narcotics were placed into his vehicle.